

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

H.P., a minor, by and through his next friend, PATRICIA PASHIA

Plaintiff,

V.

B.W. ROBINSON SCHOOL FOR THE  
SEVERELY DISABLED, ARCHIE  
DERBOVEN, JOYCE WILSON, TRISTA  
HANCE AND MELISSA KELLEY,

Defendants.

Cause No.

**JURY TRIAL DEMANDED**

## NOTICE OF REMOVAL TO FEDERAL COURT

Defendants B.W. Robinson School for the Severely Disabled, Archie Derboven, Joyce Wilson, Melissa Kelley and Trista Hance hereby notify this Court of the removal of the case styled H.P., a minor, by and through his next friend, Patricia Pashia v. B.W. Robinson School for the Severely Disabled, et al., Case No. 21PH-CV00369, from the Circuit Court of the County of Phelps, State of Missouri, to this Court. As grounds for this removal, defendants state:

1. On March 17, 2021 suit was filed by plaintiff Patricia Pashia as next friend of H.P., a minor, against defendants in the Circuit Court of the County of Phelps, State of Missouri in H.P., a minor, by and through his next friend, Patricia Pashia v. B.W. Robinson School for the Severely Disabled, et al., Case No. 21PH-CV00369.

2. The complaint was brought, inter alia, in part pursuant to 42 U.S.C. § 1983 for alleged deprivation of Plaintiff's Constitutional rights.

3. Plaintiff effected service on defendants Archie Derboven and Joyce Wilson on March 21, 2021; on B.W. Robinson School for the Severely Disabled and Melissa Kelley on April 6, 2021; and on Trista Hance on April 14, 2021. Defendants have removed this case within thirty days thereafter. Such removal is timely under 28 U.S.C. § 1446(b) and Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 354-355 (1999).

4. Pursuant to Local Rule 2.03 a copy of all process, pleadings, orders and other documents on file in the State court are attached as Exhibit A.

5. Venue is proper in this District under 28 U.S.C. § 1441(a), because this District and Division embrace the place in which the removed action has been pending.

6. This Court has original jurisdiction over plaintiff's civil rights lawsuit under 28 U.S.C. § 1331.

7. Defendants B.W. Robinson School for the Severely Disabled, Archie Derboven, Joyce Wilson, Melissa Kelley and Trista Hance consent to and request this action's removal to the United States District Court for the Eastern District, Eastern Division.

8. Defendants file herewith a filing fee in the amount of \$350.00 and the proof of filing the notice of removal with the Clerk of the State court.

WHEREFORE, defendants petition this Court for removal of H.P., a minor,  
by and through his next friend, Patricia Pashia v. B.W. Robinson School for the  
Severely Disabled, et al., Case No. 21PH-CV00369, from the Circuit Court of the  
county of Phelps, State of Missouri, to this Court.

Respectfully submitted,

**ERIC S. SCHMITT**  
Attorney General

/s/Deborah Bell Yates  
Deborah Bell Yates #30798  
Assistant Attorney General  
Missouri Attorney General's Office  
P.O. Box 861  
St. Louis, MO 63188  
Telephone: (314) 340-7861  
Facsimile: (314) 340-7029  
*Attorney for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was mailed via first-class mail, postage prepaid, this 20<sup>th</sup> day of April, 2021, to:

Matt Uhrig  
Law Office of Matt Uhrig  
501 B South Henry Clay Blvd.  
P.O. Box 640  
Ashland, Missouri 65010

Frederick Ludwig  
Ludwig Law Firm, LLC  
9666 Olive Boulevard, Ste. 202  
St. Louis, Missouri 63132

/s/ Deborah Bell Yates  
Assistant Attorney General